

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:10-cv-202-RLV-DSC**

LONNIE M. STAMPER,

Plaintiff,

v.

MICHAEL J. ASTRUE,

**Commissioner of Social Security,
Defendant.**

ORDER

Pursuant to the authority of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's January 30, 2012, Judgment and Order remanding this case to Defendant Commissioner for further administrative proceedings,

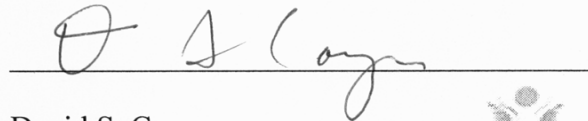
IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees in the amount of two thousand one hundred thirty-nine dollars and ninety-one cents (\$2,139.91) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

Pursuant to the United States Supreme Court's ruling in Commissioner of Social Security v. Ratliff, 130 S.Ct. 1251 (2010), these attorney's fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If subsequent to the entry of this Order, the

Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to any offset, the Commissioner may honor Plaintiff's December 22, 2010 signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. However, if Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel.

SO ORDERED.

Signed: February 9, 2012

A handwritten signature in cursive script, reading "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

